

Message Text

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ACTION NEA-16

INFO OCT-01 ISO-00 PM-07 NSC-07 SP-03 SS-20 RSC-01 L-03

CIAE-00 DODE-00 INR-10 NSAE-00 PA-04 USIA-15 PRS-01

AID-20 OMB-01 DRC-01 /110 W
----- 108354

R 211445Z JUN 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 2212

INFO AMEMBASSY KATHMANDU

AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL MADRAS

C O N F I D E N T I A L NEW DELHI 8298

E.O. 11652: GDS

TAGS: PINT, SK, IN

SUBJECT: SIKKIM ASSEMBLY ADOPTS CONSTITUTION

REF: NEW DELHI 5459 OF MAY 10,1973

1. INDIAN WIRE SERVICES REPORT FROM GANGTOK THAT THE SIKKIM ASSEMBLY ADOPTED JUNE 20 A 34- CLAUSE "GOVERNMENT OF SIKKIM BILL". THIS NEW "CONSTITUTION" WAS PREPARED BY AN EMINENT INDIAN JURIST, G.R. RAJAGOPAL, AT THE "REQUEST" OF THE CHOGYAL AND THE SIKKIMESE ASSEMBLE.

2. THE SALIENT FEATURES OF THE CONSTITUTION REPORTED IN THE PRESS ARE PROVISION FOR A FOUR-YEAR ASSEMBLY WHICH CAN DISCUSS AND PASS BILLS ON INTERNAL SOCIAL AND ECONOMIC MATTERS. THE INDIAN CHIEF EXECUTIVE IS TO BE THE PRESIDENT AND SPEAKER OF THE ASSEMBLY. HE WILL ALSO ADVISE ON THE APPOINTMENT OF A CHIEF MINISTER AND MINISTERS (THE EXECUTIVE COUNCIL) WHO WILL BE RESPONSIBLE TO THE ASSEMBLY. THE CHOGYAL'S TITULAR POWERS ARE ALSO SPELLED OUT IN THE NEW CONSTITUTION WHICH GRANTS HIM THE RIGHT TO DELAY THE ADOPTION OF BILLS BY WITHHOLDING ASSENT, BUT ENABLES THE ASSEMBLY TO
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PASS BILLS OVER HIS "VETO" BY A SIMPLE MAJORITY. (COPY POUCHED

TO NEA/INS).

3. THE WIRE SERVICES SAY THE ASSEMBLY ENDORSED THE CONSTITUTION "AMIDST MOUNTING TENSION" CAUSED BY EFFORTS OF THE CHOGYAL AND HIS SUPPORTERS TO BLOCK PASSAGE OF BILL. THERE WAS A FRACAS OUTSIDE THE ASSEMBLY BUILDING AND THE CENTRAL RESERVE POLICE WERE CALLED OUT. THE CHOGYAL HAD AGREED DURING A RECENT VISIT TO DELHI TO SUPPORT THE CONSTITUTION BUT HAD GAVE BACK ON THIS ASSURANCE.

4. COMMENT: SO FAR, WE HAVE ONLY THE INDIAN HANDOUT VERSION OF WHAT TOOK PLACE IN GANGTOK. IT IS CLEAR TO US, HOWEVER, THAT THE CHOGYAL DID NOT WANT THIS CONSTITUTION AND THAT HE DELAYED AND RESISTED ITS ADOPTION AS LONG AS POSSIBLE. THE NEW DOCUMENT BASICALLY REAFFIRMS AND ELABORATES THE POWERS AND FUNCTIONS OF THE ASSEMBLY AND COUNCIL AND THE INDIAN CHIEF EXECUTIVE PROVIDED FOR IN THE MAY 8, 1973, AGREEMENT BETWEEN THE GOI, THE CHOGYAL, AND THE SIKKIMESE POLITICAL PARTIES (REFTEL). IT IS THUS AN ENDORSEMENT BY ELECTED REPRESENTATIVES IN SIKKIM OF THE EXTREMELY LIMITED, TITULAR ROLE OF THE CHOGYAL AND OF THE INDIAN GOVERNMENT'S EXTENSIVE AUTHORITY WITH REGARD TO INTERNAL ADMINISTRATION. INDIA'S EXCLUSIVE RESPONSIBILITIES FOR SIKKIM'S DEFENSE, COMMUNICATIONS AND FIREIGN AFFAIRS ARE SET FORTH IN THE 1950 TREATY.

5. IT REMAINS TO BE SEEN HOW THE CHOGYAL WILL ACCOMMODATE HIMSELF TO HIS NOW PERMANENT POSITION OF VIRTUAL IMPOTENCE (WHICH RADICALS WITHIN THE SIKKIM ASSEMBLY WILL ALMOST CERTAINLY TRY TO INTENSIFY AND EMPHASIZE IN THE FUTURE). HIS OPTIONS ARE FEW: TO ABDICATE, TO LEAVE THE COUNTRY AND SPEND MOST OF HIS TIME ELSEWHERE WHILE NOT FORMALLY ABDICATING, TO PLAY OUT HIS ROLE OF "CONSTITUTIONAL MONARCH" IN GOOD FAITH, OR TO ATTEMPT TO ORGANIZE CLANDESTINE OPPOSITION FROM AMONG LOYAL MEMBERS OF THE LEPCHA OR BHUTIA COMMUNITY. AT THIS POINT, PROSPECTS FOR THE LONG-TERM SURVIVAL OF THE ROYAL HOUSE DO NOT LOOK GOOD.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSTITUTION, CENTRAL LEGISLATURE, POLITICAL PARTIES
Control Number: n/a
Copy: SINGLE
Draft Date: 21 JUN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974NEWDE08298
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740163-0564
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740624/aaaaauot.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: NEW DELHI 5459 OF MAY 10, 1973
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 16 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16-Aug-2002 by WorrelSW>; APPROVED <19 FEB 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SIKKIM ASSEMBLY ADOPTS CONSTITUTION
TAGS: PINT, SK, IN, (CHOGYAL)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005